

Town Board Minutes

The Municipal Review Committee

March 2, 2015

Meeting No. 6

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, acting as the Municipal Review Committee, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 2nd day of March 2015, at 6:00 PM and there were:

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
ANTHONY GORSKI, PLANNING BOARD MEMBER
JOSEPH KEEFE, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
KRISTIN MCCRACKEN, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT OFFICER
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF THE**

Benderson Development Retail Building

The Municipal Review Committee reviewed the Short Environmental Assessment Form on the Benderson Development Retail Building matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form entitled “Part 2 Environmental Assessment” which was provided to each member.

PLEASE TAKE NOTICE, that the Municipal Review Committee of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **unlisted action**, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR § 617.7, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with § 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Lancaster Town Board
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.2+/- acres.

The location of the premises being reviewed is 4931 Transit Road, Lancaster, New York 14086, Erie County.

This project is described as a site plan to allow for an increase in square footage from the previously approved 10,545 square feet to the currently proposed 11,920 square feet along with shifting the proposed building approximately forty feet to the west to provide for greater visibility from William Street.

THE FOLLOWING MOTION WAS OFFERED BY
COUNCIL MEMBER ABRAHAM, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER MCCracken, TO WIT:

That the Municipal Review Committee has reviewed the potential environmental impacts associated with the Benderson Development Retail Building matter identified in the Environmental Assessment Form, and, under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3) for the reasons indicated below based on the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment and therefore recommends that the Town Board finds that there are no significant adverse impacts from the proposed project and issue a Negative Declaration.

REASONS SUPPORTING RECOMMENDATION

- 1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
- 2. The proposed action will not result in a change in the use or intensity of use of land.
- 3. The proposed action will not impair the character or quality of the existing community.
- 4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
- 6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
- 7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
- 8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
- 9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
- 10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
- 11. The proposed action will not create a hazard to environmental resources or human health.

BE IT FURTHER

RESOLVED, that the MRC’s recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED	YES
PLANNING BOARD MEMBER MCCracken	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	WAS ABSENT	

The Motion to Recommend was thereupon adopted.

March 2, 2015

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF THE

BROADWAY PATIO HOMES**

The Municipal Review Committee reviewed the Long Environmental Assessment Form on the Broadway Patio Homes matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

PLEASE TAKE NOTICE, that the Municipal Review Committee of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an Type 1 action, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR § 617.7, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with § 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Lancaster Town Board
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 14.21 acres.

The location of the premises being reviewed is the vacant land between 5755 and 5763 Broadway, Lancaster, New York 14086, Erie County.

This project is described as the proposed rezoning to site plan approval for a 46-unit patio home development on 14.21 acres of land in a mixed use area with commercial uses and high density residential uses in proximity to project.

THE FOLLOWING MOTION WAS OFFERED BY
PLANNING BOARD MEMBER MCCRACKEN
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GORSKI TO WIT:

That the Municipal Review Committee has reviewed the potential environmental impacts associated with the Broadway Patio Homes matter identified in the Environmental Assessment Form, and, under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3) for the reasons indicated below based on the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment and therefore recommends that the Town Board finds that there are no significant adverse impacts from the proposed project, and issue the following Negative Declaration.

REASONS SUPPORTING RECOMMENDATION

1. **Impact on land** – A small impact is noted. The project will continue for more than one year. The depth to the water table is less than three feet, therefore, basements are not allowed.
2. **Impact on Geological Features** – None
3. **Impacts on Surface Water** – A small impact is noted. The project site is in a 100 year and 500 year floodplain and adjacent to a wetland.
4. **Impact on Groundwater** – None
5. **Impact on Flooding** – A small impact is noted. The proposed action may result in development within both a 100 year and 500 year floodplain; this shall be mitigated by proper design.
6. **Impact on Air** – None
7. **Impact on Plants and Animals** – None
8. **Impact on Agricultural Resources** – None
9. **Impact on Aesthetic Resources** - None
10. **Impact on Historic and Archeological Resources** – None
11. **Impact on Open Space and Recreation** – None
12. **Impact on Critical Environmental Areas**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. **Impact on Transportation** - None
14. **Impact on Energy** - None
15. **Impact on Noise, Odor and Light** - None
16. **Impact on Human Health** - None
17. **Consistency with Community Plans** – A small impact is noted. The proposed action is inconsistent with zoning regulations.
18. **Consistency with Community Character** – A small impact is noted. The proposed action may create a demand for additional municipal services.

and,

BE IT FURTHER

RESOLVED, that the MRC's recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED	YES
PLANNING BOARD MEMBER MCCRACKEN	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	WAS ABSENT	

The Motion to Recommend was thereupon adopted.

March 2, 2015

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY PLANNING BOARD MEMBER ANDERSON FOR ADJOURNMENT OF THE MEETING, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED	YES
PLANNING BOARD MEMBER MCCRACKEN	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	WAS ABSENT	

The meeting was adjourned at 6:17 P.M.

Signed _____
Johanna M. Coleman, Town Clerk